

In the Senate of the United States,

October 13 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 2807) entitled “An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—MIGRATORY BIRD***
2 ***TREATY REFORM***

3 ***SEC. 101. SHORT TITLE.***

4 *This title may be cited as the “Migratory Bird Treaty*
5 *Reform Act of 1998”.*

6 ***SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.***

7 *Section 3 of the Migratory Bird Treaty Act (16 U.S.C.*
8 *704) is amended—*

9 *(1) by inserting “(a)” after “SEC. 3.”; and*

1 (2) *by adding at the end the following:*

2 “(b) *It shall be unlawful for any person to—*

3 *“(1) take any migratory game bird by the aid of*
 4 *baiting, or on or over any baited area, if the person*
 5 *knows or reasonably should know that the area is a*
 6 *baited area; or*

7 *“(2) place or direct the placement of bait on or*
 8 *adjacent to an area for the purpose of causing, induc-*
 9 *ing, or allowing any person to take or attempt to take*
 10 *any migratory game bird by the aid of baiting on or*
 11 *over the baited area.”.*

12 **SEC. 103. CRIMINAL PENALTIES.**

13 *Section 6(a) of the Migratory Bird Treaty Act (16*
 14 *U.S.C. 707(a)) is amended—*

15 *(1) by striking “thereof shall be fined not more*
 16 *than \$500” and inserting the following: “thereof—*

17 *“(1) shall be fined not more than \$15,000”;*

18 *(2) in paragraph (1) (as designated by para-*
 19 *graph (1)), by striking the period at the end and in-*
 20 *serting “; and”; and*

21 *(3) by adding at the end the following:*

22 *“(2) in the case of a violation of section 3(b)(2),*
 23 *shall be fined under title 18, United States Code, im-*
 24 *prisoned not more than 1 year, or both.”.*

1 **SEC. 104. REPORT.**

2 *Not later than 5 years after the date of enactment of*
 3 *this Act, the Secretary of the Interior shall submit to the*
 4 *Committee on Environment and Public Works of the Senate*
 5 *and the Committee on Resources of the House of Representa-*
 6 *tives a report analyzing the effect of the amendments made*
 7 *by section 2, and the general practice of baiting, on migra-*
 8 *tory bird conservation and law enforcement efforts under*
 9 *the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).*

10 **TITLE II—NATIONAL WILDLIFE**
 11 **REFUGE SYSTEM IMPROVEMENT**

12 **SEC. 201. SHORT TITLE.**

13 *This title may be cited as the “National Wildlife Ref-*
 14 *uge System Improvement Act of 1998”.*

15 **SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE**
 16 **AND FISH REFUGE.**

17 *(a) IN GENERAL.—In accordance with section 4(a)(5)*
 18 *of the National Wildlife Refuge System Administration Act*
 19 *of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to*
 20 *the Corps of Engineers, without reimbursement, approxi-*
 21 *mately 37.36 acres of land of the Upper Mississippi River*
 22 *Wildlife and Fish Refuge in the State of Minnesota, as des-*
 23 *ignated on the map entitled “Upper Mississippi National*
 24 *Wildlife and Fish Refuge lands transferred to Corps of En-*
 25 *gineers”, dated January 1998, and available, with accom-*
 26 *panying legal descriptions of the land, for inspection in ap-*

1 *propriate offices of the United States Fish and Wildlife*
 2 *Service.*

3 (b) *CONFORMING AMENDMENTS.*—*The first section and*
 4 *section 2 of the Upper Mississippi River Wild Life and Fish*
 5 *Refuge Act (16 U.S.C. 721, 722) are amended by striking*
 6 *“Upper Mississippi River Wild Life and Fish Refuge” each*
 7 *place it appears and inserting “Upper Mississippi River*
 8 *National Wildlife and Fish Refuge”.*

9 **SEC. 203. KILLCOHOOK COORDINATION AREA.**

10 (a) *IN GENERAL.*—*In accordance with section 4(a)(5)*
 11 *of the National Wildlife Refuge System Administration Act*
 12 *of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the*
 13 *United States Fish and Wildlife Service over approximately*
 14 *1,439.26 acres of land in the States of New Jersey and Dela-*
 15 *ware, known as the “Killcohook Coordination Area”, as es-*
 16 *tablished by Executive Order No. 6582, issued February 3,*
 17 *1934, and Executive Order No. 8648, issued January 23,*
 18 *1941, is terminated.*

19 (b) *EXECUTIVE ORDERS.*—*Executive Order No. 6582,*
 20 *issued February 3, 1934, and Executive Order No. 8648,*
 21 *issued January 23, 1941, are revoked.*

22 **SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.**

23 (a) *IN GENERAL.*—*In accordance with section 4(a)(5)*
 24 *of the National Wildlife Refuge System Administration Act*
 25 *of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the*

1 *United States Fish and Wildlife Service over approximately*
 2 *634.7 acres of land and water in Richland County, North*
 3 *Dakota, known as the “Lake Elsie National Wildlife Ref-*
 4 *uge”, as established by Executive Order No. 8152, issued*
 5 *June 12, 1939, is terminated.*

6 (b) *EXECUTIVE ORDER.—Executive Order No. 8152,*
 7 *issued June 12, 1939, is revoked.*

8 **SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.**

9 *Section 28 of the Act of August 13, 1954 (25 U.S.C.*
 10 *564w–1), is amended in subsections (f) and (g) by striking*
 11 *“Klamath Forest National Wildlife Refuge” each place it*
 12 *appears and inserting “Klamath Marsh National Wildlife*
 13 *Refuge”.*

14 **SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYS-**
 15 **TEM ADMINISTRATION ACT.**

16 *Section 4 of the National Wildlife Refuge System Ad-*
 17 *ministration Act of 1966 (16 U.S.C. 668dd) is amended—*

18 (1) *in the first sentence of subsection (c), by*
 19 *striking “knowingly”; and*

20 (2) *in subsection (f)—*

21 (A) *by striking “(f) Any” and inserting the*
 22 *following:*

23 “(f) *PENALTIES.—*

24 “(1) *KNOWING VIOLATIONS.—Any*”;

1 (B) by inserting “knowingly” after “who”;

2 and

3 (C) by adding at the end the following:

4 “(2) *OTHER VIOLATIONS.*—Any person who oth-
 5 erwise violates or fails to comply with any of the pro-
 6 visions of this Act (including a regulation issued
 7 under this Act) shall be fined under title 18, United
 8 States Code, or imprisoned not more than 180 days,
 9 or both.”.

10 **TITLE III—WETLANDS AND** 11 **WILDLIFE ENHANCEMENT**

12 **SEC. 301. SHORT TITLE.**

13 *This title may be cited as the “Wetlands and Wildlife*
 14 *Enhancement Act of 1998”.*

15 **SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WET-** 16 **LANDS CONSERVATION ACT.**

17 *Section 7(c) of the North American Wetlands Con-*
 18 *servation Act (16 U.S.C. 4406(c)) is amended by striking*
 19 *“not to exceed” and all that follows and inserting “not to*
 20 *exceed \$30,000,000 for each of fiscal years 1999 through*
 21 *2003.”.*

22 **SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILD-** 23 **LIFE ACT.**

24 *Section 7105(h) of the Partnerships for Wildlife Act*
 25 *(16 U.S.C. 3744(h)) is amended by striking “for each of*

1 *fiscal years” and all that follows and inserting “not to ex-*
 2 *ceed \$6,250,000 for each of fiscal years 1999 through*
 3 *2003.”.*

4 **SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WET-**
 5 **LANDS CONSERVATION COUNCIL.**

6 *(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D)*
 7 *of the North American Wetlands Conservation Act (16*
 8 *U.S.C. 4403(a)(1)(D)), during the period of 1999 through*
 9 *2002, the membership of the North American Wetlands Con-*
 10 *servation Council under section 4(a)(1)(D) of that Act shall*
 11 *consist of—*

12 *(1) 1 individual who shall be the Group Man-*
 13 *ager for Conservation Programs of Ducks Unlimited,*
 14 *Inc. and who shall serve for 1 term of 3 years begin-*
 15 *ning in 1999; and*

16 *(2) 2 individuals who shall be appointed by the*
 17 *Secretary of the Interior in accordance with section*
 18 *4 of that Act and who shall each represent a different*
 19 *organization described in section 4(a)(1)(D) of that*
 20 *Act.*

21 *(b) PUBLICATION OF POLICY.—Not later than June 30,*
 22 *1999, the Secretary of the Interior shall publish in the Fed-*
 23 *eral Register, after notice and opportunity for public com-*
 24 *ment, a policy for making appointments under section*

1 4(a)(1)(D) of the North American Wetlands Conservation
 2 Act (16 U.S.C. 4403(a)(1)(D)).

3 **TITLE IV—RHINOCEROS AND**
 4 **TIGER CONSERVATION**

5 **SEC. 401. SHORT TITLE.**

6 *This title may be cited as the “Rhinoceros and Tiger*
 7 *Conservation Act of 1998”.*

8 **SEC. 402. FINDINGS.**

9 *Congress finds that—*

10 *(1) the populations of all but 1 species of rhinoc-*
 11 *eros, and the tiger, have significantly declined in re-*
 12 *cent years and continue to decline;*

13 *(2) these species of rhinoceros and tiger are listed*
 14 *as endangered species under the Endangered Species*
 15 *Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Ap-*
 16 *pendix I of the Convention on International Trade in*
 17 *Endangered Species of Wild Fauna and Flora, signed*
 18 *on March 3, 1973 (27 UST 1087; TIAS 8249) (re-*
 19 *ferred to in this title as “CITES”);*

20 *(3) the Parties to CITES have adopted several*
 21 *resolutions—*

22 *(A) relating to the conservation of tigers*
 23 *(Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14),*
 24 *urging Parties to CITES to implement legisla-*

1 *tion to reduce illegal trade in parts and products*
2 *of the species; and*

3 *(B) relating to trade in readily recognizable*
4 *parts and products of the species (Conf. 9.6), and*
5 *trade in traditional medicines (Conf. 10.19), rec-*
6 *ommending that Parties ensure that their legis-*
7 *lation controls trade in those parts and deriva-*
8 *tives, and in medicines purporting to contain*
9 *them;*

10 *(4) a primary cause of the decline in the popu-*
11 *lations of tiger and most rhinoceros species is the*
12 *poaching of the species for use of their parts and*
13 *products in traditional medicines;*

14 *(5) there are insufficient legal mechanisms ena-*
15 *bling the United States Fish and Wildlife Service to*
16 *interdict products that are labeled or advertised as*
17 *containing substances derived from rhinoceros or tiger*
18 *species and prosecute the merchandisers for sale or*
19 *display of those products; and*

20 *(6) legislation is required to ensure that—*

21 *(A) products containing, or labeled or ad-*
22 *vertised as containing, rhinoceros parts or tiger*
23 *parts are prohibited from importation into, or*
24 *exportation from, the United States; and*

1 (B) efforts are made to educate persons re-
 2 garding alternatives for traditional medicine
 3 products, the illegality of products containing, or
 4 labeled or advertised as containing, rhinoceros
 5 parts and tiger parts, and the need to conserve
 6 rhinoceros and tiger species generally.

7 **SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CON-**
 8 **SERVATION ACT OF 1994.**

9 Section 3 of the Rhinoceros and Tiger Conservation
 10 Act of 1994 (16 U.S.C. 5302) is amended by adding at the
 11 end the following:

12 “(3) To prohibit the sale, importation, and ex-
 13 portation of products intended for human consump-
 14 tion or application containing, or labeled or adver-
 15 tised as containing, any substance derived from any
 16 species of rhinoceros or tiger.”.

17 **SEC. 404. DEFINITION OF PERSON.**

18 Section 4 of the Rhinoceros and Tiger Conservation
 19 Act of 1994 (16 U.S.C. 5303) is amended—

20 (1) in paragraph (4), by striking “and” at the
 21 end;

22 (2) in paragraph (5), by striking the period at
 23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(6) ‘person’ means—

1 “(A) an individual, corporation, partner-
2 ship, trust, association, or other private entity;

3 “(B) an officer, employee, agent, depart-
4 ment, or instrumentality of—

5 “(i) the Federal Government;

6 “(ii) any State, municipality, or polit-
7 ical subdivision of a State; or

8 “(iii) any foreign government;

9 “(C) a State, municipality, or political sub-
10 division of a State; or

11 “(D) any other entity subject to the juris-
12 diction of the United States.”.

13 **SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPOR-**
14 **TATION OF PRODUCTS LABELED OR ADVER-**
15 **TISED AS RHINOCEROS OR TIGER PRODUCTS.**

16 *The Rhinoceros and Tiger Conservation Act of 1994*
17 *(16 U.S.C. 5301 et seq.) is amended—*

18 (1) by redesignating section 7 as section 9; and

19 (2) by inserting after section 6 the following:

20 **“SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPOR-**
21 **TATION OF PRODUCTS LABELED OR ADVER-**
22 **TISED AS RHINOCEROS OR TIGER PRODUCTS.**

23 “(a) *PROHIBITION.*—A person shall not sell, import,
24 or export, or attempt to sell, import, or export, any product,
25 item, or substance intended for human consumption or ap-

1 *plication containing, or labeled or advertised as containing,*
2 *any substance derived from any species of rhinoceros or*
3 *tiger.*

4 “(b) *PENALTIES.*—

5 “(1) *CRIMINAL PENALTY.*—*A person engaged in*
6 *business as an importer, exporter, or distributor that*
7 *knowingly violates subsection (a) shall be fined under*
8 *title 18, United States Code, imprisoned not more*
9 *than 6 months, or both.*

10 “(2) *CIVIL PENALTIES.*—

11 “(A) *IN GENERAL.*—*A person that know-*
12 *ingly violates subsection (a), and a person en-*
13 *gaged in business as an importer, exporter, or*
14 *distributor that violates subsection (a), may be*
15 *assessed a civil penalty by the Secretary of not*
16 *more than \$12,000 for each violation.*

17 “(B) *MANNER OF ASSESSMENT AND COL-*
18 *LECTION.*—*A civil penalty under this paragraph*
19 *shall be assessed, and may be collected, in the*
20 *manner in which a civil penalty under the En-*
21 *dangered Species Act of 1973 may be assessed*
22 *and collected under section 11(a) of that Act (16*
23 *U.S.C. 1540(a)).*

24 “(c) *PRODUCTS, ITEMS, AND SUBSTANCES.*—*Any*
25 *product, item, or substance sold, imported, or exported, or*

1 *attempted to be sold, imported, or exported, in violation of*
 2 *this section or any regulation issued under this section shall*
 3 *be subject to seizure and forfeiture to the United States.*

4 “(d) *REGULATIONS.*—*After consultation with the Sec-*
 5 *retary of the Treasury, the Secretary of Health and Human*
 6 *Services, and the United States Trade Representative, the*
 7 *Secretary shall issue such regulations as are appropriate*
 8 *to carry out this section.*

9 “(e) *ENFORCEMENT.*—*The Secretary, the Secretary of*
 10 *the Treasury, and the Secretary of the department in which*
 11 *the Coast Guard is operating shall enforce this section in*
 12 *the manner in which the Secretaries carry out enforcement*
 13 *activities under section 11(e) of the Endangered Species Act*
 14 *of 1973 (16 U.S.C. 1540(e)).*

15 “(f) *USE OF PENALTY AMOUNTS.*—*Amounts received*
 16 *as penalties, fines, or forfeiture of property under this sec-*
 17 *tion shall be used in accordance with section 6(d) of the*
 18 *Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).”.*

19 **SEC. 406. EDUCATIONAL OUTREACH PROGRAM.**

20 *The Rhinoceros and Tiger Conservation Act of 1994*
 21 *(16 U.S.C. 5301 et seq.) (as amended by section 405) is*
 22 *amended by inserting after section 7 the following:*

23 **“SEC. 8. EDUCATIONAL OUTREACH PROGRAM.**

24 “(a) *IN GENERAL.*—*Not later than 180 days after the*
 25 *date of enactment of this section, the Secretary shall develop*

1 *and implement an educational outreach program in the*
2 *United States for the conservation of rhinoceros and tiger*
3 *species.*

4 “(b) *GUIDELINES.*—*The Secretary shall publish in the*
5 *Federal Register guidelines for the program.*

6 “(c) *CONTENTS.*—*Under the program, the Secretary*
7 *shall publish and disseminate information regarding—*

8 “(1) *laws protecting rhinoceros and tiger species,*
9 *in particular laws prohibiting trade in products con-*
10 *taining, or labeled or advertised as containing, their*
11 *parts;*

12 “(2) *use of traditional medicines that contain*
13 *parts or products of rhinoceros and tiger species,*
14 *health risks associated with their use, and available*
15 *alternatives to the medicines; and*

16 “(3) *the status of rhinoceros and tiger species*
17 *and the reasons for protecting the species.”.*

18 **SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

19 *Section 9 of the Rhinoceros and Tiger Conservation*
20 *Act of 1994 (16 U.S.C. 5306) (as redesignated by section*
21 *405(1)) is amended by striking “1996, 1997, 1998, 1999,*
22 *and 2000” and inserting “1996 through 2002”.*

1 ***TITLE V—CHESAPEAKE BAY***
2 ***INITIATIVES***

3 ***SEC. 501. SHORT TITLE.***

4 *This title may be cited as the “Chesapeake Bay Initia-*
5 *tives Act of 1998”.*

6 ***SEC. 502. CHESAPEAKE BAY.***

7 *Section 117 of the Federal Water Pollution Control Act*
8 *(33 U.S.C. 1267) is amended to read as follows:*

9 ***“SEC. 117. CHESAPEAKE BAY.***

10 *“(a) DEFINITIONS.—In this section:*

11 *“(1) CHESAPEAKE BAY AGREEMENT.—The term*
12 *‘Chesapeake Bay Agreement’ means the formal, vol-*
13 *untary agreements, amendments, directives, and*
14 *adoption statements executed to achieve the goal of re-*
15 *storing and protecting the Chesapeake Bay ecosystem*
16 *and the living resources of the ecosystem and signed*
17 *by the Chesapeake Executive Council.*

18 *“(2) CHESAPEAKE BAY PROGRAM.—The term*
19 *‘Chesapeake Bay Program’ means the program di-*
20 *rected by the Chesapeake Executive Council in accord-*
21 *ance with the Chesapeake Bay Agreement.*

22 *“(3) CHESAPEAKE BAY WATERSHED.—The term*
23 *‘Chesapeake Bay watershed’ shall have the meaning*
24 *determined by the Administrator.*

1 “(4) *CHESAPEAKE EXECUTIVE COUNCIL.*—*The*
 2 *term ‘Chesapeake Executive Council’ means the sig-*
 3 *natories to the Chesapeake Bay Agreement.*

4 “(5) *SIGNATORY JURISDICTION.*—*The term ‘sig-*
 5 *natory jurisdiction’ means a jurisdiction of a signa-*
 6 *tory to the Chesapeake Bay Agreement.*

7 “(b) *CONTINUATION OF CHESAPEAKE BAY PRO-*
 8 *GRAM.*—

9 “(1) *IN GENERAL.*—*In cooperation with the*
 10 *Chesapeake Executive Council (and as a member of*
 11 *the Council), the Administrator shall continue the*
 12 *Chesapeake Bay Program.*

13 “(2) *PROGRAM OFFICE.*—*The Administrator*
 14 *shall maintain in the Environmental Protection*
 15 *Agency a Chesapeake Bay Program Office. The Ches-*
 16 *apeake Bay Program Office shall provide support to*
 17 *the Chesapeake Executive Council by—*

18 “(A) *implementing and coordinating*
 19 *science, research, modeling, support services,*
 20 *monitoring, data collection, and other activities*
 21 *that support the Chesapeake Bay Program;*

22 “(B) *developing and making available,*
 23 *through publications, technical assistance, and*
 24 *other appropriate means, information pertaining*

1 *to the environmental quality and living resources*
2 *of the Chesapeake Bay;*

3 “(C) *assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;*

4 “(D) *coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—*

5 “(i) *improve the water quality and living resources of the Chesapeake Bay; and*

6 “(ii) *obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and*

7 “(E) *implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.*

1 “(c) *INTERAGENCY AGREEMENTS.—The Administrator*
 2 *may enter into an interagency agreement with a Federal*
 3 *agency to carry out this section.*

4 “(d) *TECHNICAL ASSISTANCE AND ASSISTANCE*
 5 *GRANTS.—*

6 “(1) *IN GENERAL.—In consultation with other*
 7 *members of the Chesapeake Executive Council, the Ad-*
 8 *ministrator may provide technical assistance, and as-*
 9 *sistance grants, to nonprofit private organizations*
 10 *and individuals, State and local governments, col-*
 11 *leges, universities, and interstate agencies to carry out*
 12 *this section, subject to such terms and conditions as*
 13 *the Administrator considers appropriate.*

14 “(2) *FEDERAL SHARE.—*

15 “(A) *IN GENERAL.—Except as provided in*
 16 *subparagraph (B), the Federal share of an assist-*
 17 *ance grant provided under paragraph (1) shall*
 18 *be determined by the Administrator in accord-*
 19 *ance with Environmental Protection Agency*
 20 *guidance.*

21 “(B) *SMALL WATERSHED GRANTS PRO-*
 22 *GRAM.—The Federal share of an assistance grant*
 23 *provided under paragraph (1) to carry out an*
 24 *implementing activity under subsection (g)(2)*

1 *shall not exceed 75 percent of eligible project*
2 *costs, as determined by the Administrator.*

3 “(3) *NON-FEDERAL SHARE.*—*An assistance grant*
4 *under paragraph (1) shall be provided on the condi-*
5 *tion that non-Federal sources provide the remainder*
6 *of eligible project costs, as determined by the Admin-*
7 *istrator.*

8 “(4) *ADMINISTRATIVE COSTS.*—*Administrative*
9 *costs (including salaries, overhead, and indirect costs*
10 *for services provided and charged against projects*
11 *supported by funds made available under this sub-*
12 *section) incurred by a person described in paragraph*
13 *(1) in carrying out a project under this subsection*
14 *during a fiscal year shall not exceed 10 percent of the*
15 *grant made to the person under this subsection for the*
16 *fiscal year.*

17 “(e) *IMPLEMENTATION GRANTS.*—

18 “(1) *IN GENERAL.*—*If a signatory jurisdiction*
19 *has approved and committed to implement all or sub-*
20 *stantially all aspects of the Chesapeake Bay Agree-*
21 *ment, on the request of the chief executive of the juris-*
22 *isdiction, the Administrator shall make a grant to the*
23 *jurisdiction for the purpose of implementing the man-*
24 *agement mechanisms established under the Chesa-*

1 *apeake Bay Agreement, subject to such terms and con-*
2 *ditions as the Administrator considers appropriate.*

3 *“(2) PROPOSALS.—A signatory jurisdiction de-*
4 *scribed in paragraph (1) may apply for a grant*
5 *under this subsection for a fiscal year by submitting*
6 *to the Administrator a comprehensive proposal to im-*
7 *plement management mechanisms established under*
8 *the Chesapeake Bay Agreement. The proposal shall in-*
9 *clude—*

10 *“(A) a description of proposed management*
11 *mechanisms that the jurisdiction commits to take*
12 *within a specified time period, such as reducing*
13 *or preventing pollution in the Chesapeake Bay*
14 *and to meet applicable water quality standards;*
15 *and*

16 *“(B) the estimated cost of the actions pro-*
17 *posed to be taken during the fiscal year.*

18 *“(3) APPROVAL.—If the Administrator finds that*
19 *the proposal is consistent with the Chesapeake Bay*
20 *Agreement and the national goals established under*
21 *section 101(a), the Administrator may approve the*
22 *proposal for a fiscal year.*

23 *“(4) FEDERAL SHARE.—The Federal share of an*
24 *implementation grant provided under this subsection*
25 *shall not exceed 50 percent of the costs of implement-*

1 *ing the management mechanisms during the fiscal*
2 *year.*

3 “(5) *NON-FEDERAL SHARE.*—*An implementation*
4 *grant under this subsection shall be made on the con-*
5 *dition that non-Federal sources provide the remainder*
6 *of the costs of implementing the management mecha-*
7 *nisms during the fiscal year.*

8 “(6) *ADMINISTRATIVE COSTS.*—*Administrative*
9 *costs (including salaries, overhead, and indirect costs*
10 *for services provided and charged against projects*
11 *supported by funds made available under this sub-*
12 *section) incurred by a signatory jurisdiction in car-*
13 *rying out a project under this subsection during a fis-*
14 *cal year shall not exceed 10 percent of the grant made*
15 *to the jurisdiction under this subsection for the fiscal*
16 *year.*

17 “(f) *COMPLIANCE OF FEDERAL FACILITIES.*—

18 “(1) *SUBWATERSHED PLANNING AND RESTORA-*
19 *TION.*—*A Federal agency that owns or operates a fa-*
20 *cility (as defined by the Administrator) within the*
21 *Chesapeake Bay watershed shall participate in re-*
22 *gional and subwatershed planning and restoration*
23 *programs.*

24 “(2) *COMPLIANCE WITH AGREEMENT.*—*The head*
25 *of each Federal agency that owns or occupies real*

1 *property in the Chesapeake Bay watershed shall en-*
2 *sure that the property, and actions taken by the agen-*
3 *cy with respect to the property, comply with the*
4 *Chesapeake Bay Agreement.*

5 *“(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND*
6 *RIVER BASIN PROGRAM.—*

7 *“(1) NUTRIENT AND WATER QUALITY MANAGE-*
8 *MENT STRATEGIES.—Not later than 1 year after the*
9 *date of enactment of this subsection, the Adminis-*
10 *trator, in consultation with other members of the*
11 *Chesapeake Executive Council, shall ensure that man-*
12 *agement plans are developed and implementation is*
13 *begun by signatories to the Chesapeake Bay Agree-*
14 *ment for the tributaries of the Chesapeake Bay to*
15 *achieve and maintain—*

16 *“(A) the nutrient goals of the Chesapeake*
17 *Bay Agreement for the quantity of nitrogen and*
18 *phosphorus entering the main stem Chesapeake*
19 *Bay;*

20 *“(B) the water quality requirements nec-*
21 *essary to restore living resources in both the trib-*
22 *utaries and the main stem of the Chesapeake*
23 *Bay;*

24 *“(C) the Chesapeake Bay basinwide toxics*
25 *reduction and prevention strategy goal of reduc-*

1 *ing or eliminating the input of chemical con-*
2 *taminants from all controllable sources to levels*
3 *that result in no toxic or bioaccumulative impact*
4 *on the living resources that inhabit the Bay or*
5 *on human health; and*

6 *“(D) habitat restoration, protection, and*
7 *enhancement goals established by Chesapeake*
8 *Bay Agreement signatories for wetlands, forest*
9 *riparian zones, and other types of habitat associ-*
10 *ated with the Chesapeake Bay and the tribu-*
11 *taries of the Chesapeake Bay.*

12 *“(2) SMALL WATERSHED GRANTS PROGRAM.—*
13 *The Administrator, in consultation with other mem-*
14 *bers of the Chesapeake Executive Council, may offer*
15 *the technical assistance and assistance grants author-*
16 *ized under subsection (d) to local governments and*
17 *nonprofit private organizations and individuals in*
18 *the Chesapeake Bay watershed to implement—*

19 *“(A) cooperative tributary basin strategies*
20 *that address the Chesapeake Bay’s water quality*
21 *and living resource needs; or*

22 *“(B) locally based protection and restora-*
23 *tion programs or projects within a watershed*
24 *that complement the tributary basin strategies.*

1 “(h) *STUDY OF CHESAPEAKE BAY PROGRAM.*—Not
2 *later than December 31, 2000, and every 3 years thereafter,*
3 *the Administrator, in cooperation with other members of*
4 *the Chesapeake Executive Council, shall complete a study*
5 *and submit a comprehensive report to Congress on the re-*
6 *sults of the study. The study and report shall, at a mini-*
7 *mum—*

8 “(1) *assess the commitments and goals of the*
9 *management strategies established under the Ches-*
10 *apeake Bay Agreement and the extent to which the*
11 *commitments and goals are being met;*

12 “(2) *assess the priority needs required by the*
13 *management strategies and the extent to which the*
14 *priority needs are being met;*

15 “(3) *assess the effects of air pollution deposition*
16 *on water quality of the Chesapeake Bay;*

17 “(4) *assess the state of the Chesapeake Bay and*
18 *its tributaries and related actions of the Chesapeake*
19 *Bay Program;*

20 “(5) *make recommendations for the improved*
21 *management of the Chesapeake Bay Program; and*

22 “(6) *provide the report in a format transferable*
23 *to and usable by other watershed restoration pro-*
24 *grams.*

1 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$30,000,000 for each of fiscal years 1999 through 2003.”.*

4 **SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.**

5 (a) *CHESAPEAKE BAY GATEWAYS AND WATERTRAILS*
 6 *NETWORK.—*

7 (1) *IN GENERAL.—The Secretary of the Interior*
 8 *(referred to in this section as the “Secretary”), in co-*
 9 *operation with the Administrator of the Environ-*
 10 *mental Protection Agency (referred to in this section*
 11 *as the “Administrator”), shall provide technical and*
 12 *financial assistance, in cooperation with other Fed-*
 13 *eral agencies, State and local governments, nonprofit*
 14 *organizations, and the private sector—*

15 (A) *to identify, conserve, restore, and inter-*
 16 *pret natural, recreational, historical, and cul-*
 17 *tural resources within the Chesapeake Bay Wa-*
 18 *tershed;*

19 (B) *to identify and utilize the collective re-*
 20 *sources as Chesapeake Bay Gateways sites for*
 21 *enhancing public education of and access to the*
 22 *Chesapeake Bay;*

23 (C) *to link the Chesapeake Bay Gateways*
 24 *sites with trails, tour roads, scenic byways, and*
 25 *other connections as determined by the Secretary;*

1 (D) to develop and establish Chesapeake
 2 Bay Watertrails comprising water routes and
 3 connections to Chesapeake Bay Gateways sites
 4 and other land resources within the Chesapeake
 5 Bay Watershed; and

6 (E) to create a network of Chesapeake Bay
 7 Gateways sites and Chesapeake Bay Watertrails.

8 (2) COMPONENTS.—Components of the Chesa-
 9 peake Bay Gateways and Watertrails Network may
 10 include—

11 (A) State or Federal parks or refuges;

12 (B) historic seaports;

13 (C) archaeological, cultural, historical, or
 14 recreational sites; or

15 (D) other public access and interpretive
 16 sites as selected by the Secretary.

17 (b) CHESAPEAKE BAY GATEWAYS GRANTS ASSIST-
 18 ANCE PROGRAM.—

19 (1) IN GENERAL.—The Secretary, in cooperation
 20 with the Administrator, shall establish a Chesapeake
 21 Bay Gateways Grants Assistance Program to aid
 22 State and local governments, local communities, non-
 23 profit organizations, and the private sector in con-
 24 serving, restoring, and interpreting important his-

1 *toric, cultural, recreational, and natural resources*
 2 *within the Chesapeake Bay Watershed.*

3 (2) *CRITERIA.*—*The Secretary, in cooperation*
 4 *with the Administrator, shall develop appropriate eli-*
 5 *gibility, prioritization, and review criteria for grants*
 6 *under this section.*

7 (3) *MATCHING FUNDS AND ADMINISTRATIVE EX-*
 8 *PENSES.*—*A grant under this section—*

9 (A) *shall not exceed 50 percent of eligible*
 10 *project costs;*

11 (B) *shall be made on the condition that*
 12 *non-Federal sources, including in-kind contribu-*
 13 *tions of services or materials, provide the re-*
 14 *mainder of eligible project costs; and*

15 (C) *shall be made on the condition that not*
 16 *more than 10 percent of all eligible project costs*
 17 *be used for administrative expenses.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 19 *authorized to be appropriated to carry out this section*
 20 *\$3,000,000 for each of fiscal years 1999 through 2003.*

21 **SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RE-**
 22 **SEARCH AND GRANT PROGRAM.**

23 (a) *IN GENERAL.*—*The Administrator of the Environ-*
 24 *mental Protection Agency, the Secretary of Commerce (act-*
 25 *ing through the Director of the National Marine Fisheries*

1 *Service of the National Oceanic and Atmospheric Adminis-*
2 *tration), the Secretary of Health and Human Services (act-*
3 *ing through the Director of the National Institute of Envi-*
4 *ronmental Health Sciences and the Director of the Centers*
5 *for Disease Control and Prevention), and the Secretary of*
6 *Agriculture shall—*

7 (1) *establish a research program for the eradi-*
8 *cation or control of Pfiesteria piscicida and other*
9 *aquatic toxins; and*

10 (2) *make grants to colleges, universities, and*
11 *other entities in affected States for the eradication or*
12 *control of Pfiesteria piscicida and other aquatic tox-*
13 *ins.*

14 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *authorized to be appropriated to carry out this section*
16 *\$5,000,000 for each of fiscal years 1999 and 2000.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 2807

AMENDMENT